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09/830244

DT05 Rec'd PCT/PTO 13 DEC 2002

Docket No.: PF-0620 USN #8

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Sequence, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on December 9, 2002.

By  Printed: Margaret M. Hasson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

Title: LYSINE-RICH STATHERIN PROTEIN

Serial No.: 09/830,244

Filing Date:

To Be Assigned

Examiner: To Be Assigned

Group Art Unit:

To Be Assigned

Box Sequence

Commissioner for Patents, PO Box 2327
Arlington, VA 22202

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

In response to the "Notification of Defective Response" mailed by the United States Patent and Trademark Office on **November 15, 2002** (copy attached), Applicants once again submit the document(s) listed below to complete the filing for the above-identified patent application.

1. Substitute Submission Under 37 CFR 1.821-1.825 Sequence Listing (1 pg.);
2. One (1) Substitute CRF **diskette** containing the Sequence Listing ; and
3. One (1) paper copy containing the Sequence Listing.

Applicants would like to note the following:

In response to the "Notification of Defective Response" mailed by the United States Patent and Trademark Office on **September 4, 2002**, Applicants submitted the document(s) listed below to complete the filing for the above-identified patent application.

1. Substitute Submission Under 37 CFR 1.821-1.825 Sequence Listing (1 pg.);
2. One (1) Substitute CRF **diskette** containing the Sequence Listing ; and
3. One (1) paper copy containing the Sequence Listing.

The current Notification of Defective Response purports to relate to that filing. However, it appears that the sequence listing submission that was rejected by the U.S. Patent and Trademark Office was not Applicants' submission of **September 4, 2002**. The "Raw Sequence Listing Patent Application:

US/02/930,244A" report that was attached to the current Notice of Defective Response dated November 15, 2002 (see attached), was generated on **August 26, 2002**. Therefore, Applicants actual submission of September 4, 2002 was not considered prior to the Patent and Trademark Office issuing the current Notification of Defective Response which is dated November 15, 2002, and which is therefore itself an error.

The Applicants believe that no fee is due with this communication. However, if the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 6 Dec 2002



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NOV 25 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20237
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/830,244	FIRST NAMED APPLICANT Chandra Patterson	ATTY. DOCKET NO. PF-0620 USN
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INTERNATIONAL APPLICATION NO. PCT/US99/24046

LA. FILING DATE 10/22/1999	PRIORITY DATE 10/23/1998
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INCYTE GENOMICS
3160 Porter Drive
Palo Alto, CA 94304

CONFIRMATION NO. 3310
371 FORMALITIES LETTER



Date Mailed: 11/15/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration

Applicant's response filed 06/11/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/29/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable

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- form must be submitted as required by 37 CFR 1.825(d).
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/830,244	PCT/US99/24046	PF-0620 USN

FORM PCT/DO/EO/916 (371 Formalities Notice)